

REMARKS

Claims 35-64 were presented and examined. In response to the Office Action, Claims 37-39, 41, 47-49, 51, 57-59, and 61 are amended, claims are cancelled, and claims are added. Claims remain in the application. Reconsideration is respectfully requested in view of the foregoing amendments and the remarks that follow.

Objections to the Claims

Claims 37-41, 47-51, and 57-61 are objected to due to stated informalities which are corrected herein. Reconsideration and withdrawal of the objection are respectfully requested.

Rejections of the Claims under 35 U.S.C. § 101

Claims 55-64 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

In response, Claim 55 is amended to recite:

A computer readable storage medium containing instructions stored therein, which when executed by a machine cause the machine to perform operations comprising: stereoscopically adapting video data source according to metadata, the metadata including usage environment information, the usage environment information including user preference information.

Claims 56-64 are likewise amended to recite a computer readable storage medium. The amendments modify the claim language so that operations are recited in Claims 55-64 in compliance with the statutory subject matter requirements of MPEP § 2106.01(I).

Rejections of the Claims under 35 U.S.C. § 102

Claims 35-64 are rejected under 35 U.S.C. 102(a) as being anticipated by Kim, et al., "Coding of Moving Pictures and Audio," ("Kim").

With respect to the § 102(a) rejection of claims 35-64, we believe that the rejection of claims 35-64 may be overcome by providing a declaration and evidence showing the invention disclosed in Kim was by the inventors and is thus not an invention "by another."

It is our understanding that JeHo Nam is the first named inventor of the instant invention and also a co-author of Kim. Thus, we have attached an executed declaration under 37 CFR 1.132. Hence, the invention disclosed by Kim represents Applicant's own work, thereby prohibiting the Examiner from citing Kim against the pending claims.

For each of the above reasons, therefore, Claims 35, 45, and 55 and all claims which depend from them are not anticipated by Kim, since Kim represents Applicant's own work. Withdrawal of the rejection of Claims 35-64 is respectfully requested.

DEPENDENT CLAIMS

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on December 3, 2008, Applicant respectfully petitions Commissioner for a one (1) month extension of time, extending the period for response to April 3, 2009. Please charge Deposit Account No. 02-2666 in the amount of \$65.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(1) small entity.


CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: April 1, 2009


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CERTIFICATE OF ELECTRONIC FILING
I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.


Alexandra Y. Caluen April 1, 2009